House Bill 15

By: Representatives Turner of the 21^{st} , Kelley of the 16^{th} , Pak of the 108^{th} , Teasley of the 37^{th} , Cantrell of the 22^{nd} , and others

A BILL TO BE ENTITLED AN ACT

1	To amend Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to
2	regulation of fireworks, so as to allow for the sale of consumer fireworks not prohibited
3	under federal law; to provide for a short title; to provide for definitions; to amend Code
4	Section 16-7-80 of the Official Code of Georgia Annotated, relating to definitions relative
5	to crimes related to explosives and other devices, so as to correct cross-references; to amend
6	Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
7	provisions applicable to counties and municipal corporations, so as to allow for local
8	regulation of fireworks; to provide for related matters; to repeal conflicting laws; and for
9	other purposes.
10	BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:
11	PART I
12	SECTION 1-1.
13	This Act shall be known and may be cited as the "American Heritage Celebration Act."
14	PART II
15	SECTION 2-1.
16	Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of
17	fireworks, is amended by revising Code Section 25-10-1, relating to definitions, as follows:
18	"25-10-1.
19	(a) As used in this chapter, the term:
20	(1) 'Fireworks' means any combustible or explosive composition or any substance or
21	combination of substances or article prepared for the purpose of producing a visible or
22	audible effect by combustion, explosion, deflagration, or detonation, including blank
23	cartridges, balloons requiring fire underneath to propel them, firecrackers, torpedos,

skyrockets, Roman candles, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term shall not include model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models; toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap; toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; or ammunition utilized by weapons employed for sporting and hunting purposes.

- (2) 'Proximate audience' means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by the Safety Fire Commissioner.
- 35 (3) 'Pyrotechnics' means fireworks.

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- 36 (b) As used in this chapter, the term 'fireworks' shall not include:
 - (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term 'fireworks' include ammunition consumed by weapons used for sporting and hunting purposes; and

 (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical
- compound per tube or a total of 200 grams or less for multiple tubes; snake and glow worms; trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture."

48 **SECTION 2-2.**

- Said chapter is further amended by revising Code Section 25-10-2, relating to prohibited fireworks activities, as follows:
- 51 "25-10-2.
- 52 (a) It shall be unlawful for any person, firm, corporation, association, or partnership to
- offer for sale at retail or wholesale, to use, or explode or cause to be exploded, or to
- 54 possess, manufacture, <u>sell</u>, transport, or store any fireworks, except as otherwise provided
- in this chapter.
- 56 (b) It shall be lawful to use, possess, manufacture, sell, transport, and store consumer
- 57 <u>fireworks, as such term is defined in Section 555.11 of Chapter 2 of Title 27 of the Code</u>
- of Federal Regulations, as such regulations existed on July 1, 2015.

(b)(c)(1) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful for any person, firm, corporation, association, or partnership to sell <u>any</u> fireworks to any person under 18 years of age any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1.

(2) It shall be unlawful to sell any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 fireworks to any person by any means other than an in-person, face-to-face sale. Such person shall provide proper identification to the seller at the time of such purchase. For purposes of this paragraph, the term 'proper identification' means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, the following: a passport, military identification card, driver's license, or an identification card authorized under Code Sections 40-5-100 through 40-5-104.

(3) It shall be unlawful to use any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors."

74 **SECTION 2-3.**

Said chapter is further amended by revising Code Section 25-10-9, relating to penalties for violations, as follows:

77 "25-10-9.

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Notwithstanding any provision of this chapter to the contrary, any person, firm, corporation, association, or partnership who or which knowingly violates subsection (b) (c) of Code Section 25-10-2 may be punished by a fine not to exceed \$100.00. Each sales transaction in violation of subsection (b) (c) of Code Section 25-10-2 shall be a separate offense."

83 PART III 84 SECTION 3-1.

Code Section 16-7-80 of the Official Code of Georgia Annotated, relating to definitions relative to crimes related to explosives and other devices, is amended by revising paragraph (8) as follows:

"(8) 'Explosive' means any chemical compound or other substance or mechanical system intended for the purpose of producing an explosion capable of causing injury to persons or damage to property or containing oxidizing and combustible units or other ingredients in such proportions or quantities that ignition, fire, friction, concussion, percussion, or detonator may produce an explosion capable of causing injury to persons or damage to

93 property, including but not limited to the substances designated in Code Section 16-7-81; 94 provided, however, that the term 'explosive' shall not include common fireworks as 95 defined by Code Section 25-10-1, model rockets and model rocket engines designed, 96 sold, and used for the purpose of propelling recoverable aero models, or toy pistol paper 97 caps in which the explosive content does not average more than 0.25 grains of explosive 98 mixture per paper cap for toy pistols, toy cannons, toy canes, toy guns, or other devices 99 using such paper caps unless such devices are except when used as a component of a 100 destructive device."

101 **SECTION 3-2.**

- 102 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general 103 provisions applicable to counties and municipal corporations, is amended by revising Code
- Section 36-60-24, relating to sale of products or services, as follows:
- 105 "36-60-24.
- 106 (a) The governing authority of a county or municipal corporation shall not may further
 107 regulate or prohibit the sale of products or services which products or services are
 108 otherwise lawful under subsection (b) of Code Section 25-10-1 Chapter 10 of Title 25;
- unless such prohibition is expressly authorized by the general law of the state.
- (b) If the sale of a product or service is regulated by subsection (b) of Code Section
 25-10-1, the governing authority of a county or municipal corporation shall not enact
 additional regulation of the sale of such product or service, unless such additional
 regulation is expressly authorized by general law.
- (c) Any ordinance enacted before, on, or after July 1, 2006, by a county or municipal corporation in violation of this Code section is void."

116 PART IV

117 **SECTION 4-1.**

All laws and parts of laws in conflict with this Act are repealed.